

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF RHODE ISLAND

MARK F. MEDEIROS,	:	
Plaintiff,	:	
	:	
v.	:	CA 07-425 ML
	:	
ROBERT E. JOHNSON, ESQ.,	:	
LAW OFFICES HOWARD LEE SCHIFF,	:	
P.C., CAPITAL ONE BANK, ¹ and	:	
TSYS TOTAL DEBT MANAGEMENT INC.	:	
d/b/a NATIONAL ATTORNEY NETWORK,	:	
Defendants.	:	

REPORT AND RECOMMENDATION

David L. Martin, United States Magistrate Judge

Before the Court is a Motion to Dismiss (Doc. #14) filed by Defendants Robert E. Johnson, Esq., and Law Offices Howard Lee Schiff P.C. ("Movants"). The Motion to Dismiss has been referred to this Magistrate Judge for findings and recommended disposition pursuant to 28 U.S.C. § 636(b)(1)(B).

Plaintiff has since filed an amended complaint, see Plaintiff's Amended Complaint for Violations of the Fair Debt Collection Practices Act and the Fair Credit Reporting Act (Doc. #22) ("Amended Complaint"), and Movants have filed an answer to the Amended Complaint, see Answer to Plaintiff's Amended Complaint (Doc. #26). Because it appeared to the Court that the Motion to Dismiss had been rendered moot by the filing of the Amended Complaint, the Court directed Movants to show cause, in writing, by July 11, 2008, why the Court should not recommend denial of the Motion to Dismiss as moot. See Show Cause Order (Doc. #30). Movants have not responded.

Accordingly, I recommend that the Motion to Dismiss be

¹ Capital One Bank has been dismissed from this action. See Order dated 6/30/08.

denied as moot. Any objections to this Report and Recommendation must be specific and must be filed with the Clerk of Court within ten (10)² days of its receipt. See Fed. R. Civ. P. 72(b); DRI LR Cv 72(d). Failure to file specific objections in a timely manner constitutes waiver of the right to review by the district court and of the right to appeal the district court's decision. See United States v. Valencia-Copete, 792 F.2d 4, 6 (1st Cir. 1986); Park Motor Mart, Inc. v. Ford Motor Co., 616 F.2d 603, 605 (1st Cir. 1980).

/s/ David L. Martin
DAVID L. MARTIN
United States Magistrate Judge
July 18, 2008

² The ten days do not include intermediate Saturdays, Sundays, and legal holidays. See Fed. R. Civ. P. 6(a).